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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/633,947 | 08/04/2003 | Paul Renton | OM-03-01 | 5200 |

27408 7590 07/02/2007
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EXAMINER

TRAN, QUOC DUC

| | |
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| ART UNIT | PAPER NUMBER |
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2614

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| MAIL DATE | DELIVERY MODE |
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07/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/633,947

Applicant(s)

RENTON ET AL.

Examiner

Quoc D. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Herbert (5,333,183).

Consider claim 1, Herbert teaches a telephone data collection device adapted to collect data from a telephone system having a data transmission interface through which data may be transmitted in an input protocol (col. 4 lines 44-47), said device comprising: a computer including a processor, program memory and data memory, data communication input and output interfaces connected to said processor, the input interface comprising an network interface (col. 5 lines 9-47; col. 6 lines 47-60), a software program loaded into program memory read and executed by the processor in implementing a network compatible data communication protocol for the network interface for data transfer to the computer through the network interface, said software program also transferring data received through the input interface between the input interface, data memory and the output interface, said software program further implementing a transmission protocol in program memory enabling transmission of data stored in said data memory through said output interface (col. 12 lines 48-67), wherein said computer receives data from a telephone system through the network interface employing a network protocol, buffers the data in data memory, and transmits said data to a host through the output interface in a

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communication protocol, the output interface and communication protocol compatible with the host, converting said data received in one protocol to data transmitted in another protocol, as necessary, therein establishing data communication between the telephone system and the host (col. 4 lines 44-57; col. 5 line 51 – col. 6 line 46) .

Consider claims 2-11, 18-20, 24 Herbert teaches the claimed features (i.e., interfaces and software) (col. 5 lines 52-55; col. 7 line 33 – col. 10 line 27; col. 30 lines 33-46).

Consider claims 12-15, Herbert teaches the claimed features (col. 5 line 67 – col. 6 line 5).

Consider claims 16-17, 22, 31-33, Herbert et al teach the claimed features (col. 6 lines 15-46; col. 7 lines 16-32).

Consider claim 21, Herbert teaches the telephone data collection device further comprising one network interface connectable to a host and another independent network interface connectable to a PBX therein separating said one network that may experience routing or network operational difficulties from said other network and any routing or network operational difficulties that might be attendant to that network, enabling said one network to continue to collect data from a PBX via the first network interface and network while the other network interface and network that is used to transfer data to the host is not operational (col. 6 line 61 – col. 7 line 8).

Consider claim 23, Herbert teaches wherein said output interface comprises a second network interface connectable to an associated network connection, a telephone line interface, and a transmitting serial interface and wherein the collected data is transferred to at least one host through at least one of said second network interface and its associated network connection, said

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telephone line interface, or said transmitting serial interface (col. 5 lines 52-55; col. 7 line 33 – col. 10 line 27; col. 30 lines 33-46).

Consider claims 25-30, 34-37, Herbert teaches the claimed features (col. 5 lines 49-66; col. 8 lines 14-19; col. 18 lines 36-56).

Consider claims 38-44, Herbert teaching read on the claimed features (col. 2 line 66 – col. 3 line 2; col. 7 line 60 – col. 8 line 2).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:
(571) 273-8300

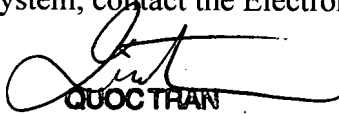
Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


QUOCTRAN
PRIMARY EXAMINER
AU 2614